

**441—113.13(237) Record checks.** The department shall submit record checks for each applicant and for anyone who is 14 years of age or older living in the home of the applicant to determine whether they have founded child abuse reports or criminal convictions or have been placed on the sex offender registry. The department shall use Form 470-0643, Request for Child Abuse Information, and Form 595-1396, DHS Criminal History Record Check, Form B, for this purpose. Each person subject to record checks shall also be fingerprinted for a national criminal history check. The department's contractor for the recruitment and retention of resource families shall assist applicants in completing required record checks, including fingerprinting.

**113.13(1) Evaluation of record.** If the applicant or anyone living in the home has a record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the department shall not license the applicant as a foster family, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of license.

EXCEPTION: An individual applying to be a foster parent shall not be granted a license and an evaluation shall not be performed if the applicant or anyone living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 237.8(2) "a." The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has committed a crime in another state that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 237.8(2) "a."

The evaluation shall consider the nature and seriousness of the founded child abuse or crime in relation to the position sought or held, the time elapsed since the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

The person with the founded child abuse or criminal conviction report shall complete and return Form 470-2310, Record Check Evaluation, within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return Form 470-2310 within the specified time frame shall result in denial of licensure.

**113.13(2) Evaluation process.** The service area manager or designee shall make the evaluation and decision. Within 30 days of receipt of the completed Form 470-2310, the department shall mail to the individual on whom the evaluation was completed and to the registrant for an employee of the registrant Form 470-2386, Record Check Decision, that explains the decision reached regarding the evaluation of an abuse or a crime. The department shall also issue Form 470-2386 when an applicant fails to complete the evaluation form within the specified time frame.

**113.13(3) License renewal.** Foster parents applying for renewal of a license may be subject to the same checks as new applicants when there is reason to believe that a founded abuse or conviction of a crime has occurred. The department shall evaluate only abuses and convictions of crimes since the last record check using the same process.

This rule is intended to implement Iowa Code section 237.8(2).